
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JUNE 30, 2021.

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Wednesday, June 30, 2021.

Met according to adjournment at eleven o'clock A.M., under emergency rules, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayers.

During the session (Ms. Hogan of Stow being in the Chair), at the request of Mr. Turco of Winthrop, the members and employees stood in a moment of silent tribute to the memory of Ramona Cooper, 60, a resident of Winthrop, who was tragically killed on June 26. Ramona served our country in the United States Air Force and attained the rank of Staff Sergeant. Ramona was a specialist in information systems and telecommunication at Fairchild Air Force Base in Washington state and served in Germany. After completing her military service, Ramona worked for a supply shop for the Veteran's Administration Medical Center in Jamaica Plain. She is survived by her identical twin sister, Regina Robinson, her son, Gary Cooper, Jr., and three wonderful grandchildren. May she rest in peace.

Ramona
Cooper.

During the session (Ms. Hogan of Stow being in the Chair), at the request of Mr. Turco of Winthrop, the members and employees stood in a moment of silent tribute to the memory of David Lee Green, 68, a lifelong resident of Winthrop, who was tragically killed on June 26, while heroically saving countless lives. David graduated from Winthrop High School in 1972 and was a member of the legendary 17-1 basketball team. He served our country in the United States Air Force as a Military Police Officer for four years in Vietnam and Thailand. David went on to serve our Commonwealth beginning in 1980 as a police officer with the then Metropolitan District Commission before becoming a Massachusetts State Trooper in 1992. David had a Bachelor's Degree in Criminal Justice from Cambridge College. He is survived by his older brother retired Tampa Fire Department Chief Aria Ray Green and many loving family members. May he rest in peace.

David
Green.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to relative to immediate COVID recovery needs (House, No. 3922), was filed with the Clerk on Monday, June 28.

COVID
recovery.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to establishing an extended sales tax holiday in 2021 (House, No. 3906), was filed in the office of the Clerk on Wednesday, June 23.

Sales tax holiday.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Revenue. Sent to the Senate for concurrence.

Communication.

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14 and 15, Renewable Energy Portfolio Standard (RPS) Class I and Class II (House, No. 3923), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Division of Energy Resources,— regulations.

Petitions.

Representative Kelcourse of Amesbury and Senator DiZoglio presented a joint petition (accompanied by bill, House, No. 3925) of James M. Kelcourse (with the approval of the mayor and city council) relative to amending the charter of the city of Newburyport; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Newburyport,— charter.

Petitions severally were presented and referred as follows:

By Representative Cassidy of Brockton and Senator Brady, a joint petition (subject to Joint Rule 12) of Gerard J. Cassidy and Michael D. Brady for legislation to designate the Department of Unemployment Assistance building in the city of Brockton as the C. Gerald Lucey building.

Brockton,— Gerald Lucey building.

By Mr. Fernandes of Falmouth, a petition (subject to Joint Rule 12) of Dylan A. Fernandes relative to indigenous representation on the Martha's Vineyard Commission.

Martha's Vineyard Commission.

By Mr. Vargas of Haverhill, a petition (subject to Joint Rule 12) of Andres X. Vargas relative to designating a certain bridge spanning Interstate Route 495 in the city of Haverhill as the Ted and Mary Murphy bridge.

Haverhill,— Murphy bridge.

Severally, under Rule 24, to the committee on Rules.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Kate Lipper-Garabedian for legislation to establish a sick leave bank for Christina Ruccio, an employee of the Suffolk County Sheriff's Department. Under suspension of the rules, on motion of Mrs. Lipper-Garabedian of Melrose, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Christina Ruccio,— sick leave.

By Ms. Ehrlich of Marblehead, for the committee on Municipalities and Regional Government, asking to be discharged from further consideration of the joint

Lexington,— transit.

petition (accompanied by bill, House, No. 3892) of Michelle L. Ciccolo and Cindy F. Friedman (by vote of the town) that the town of Lexington be authorized to establish transit improvement districts,— and recommending that the same be referred to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Orders of the Day.

House Bills

Authorizing the town of Sudbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises (House, No. 3895);

Authorizing the town of Clinton to grant a license for the sale of all alcoholic beverages to Super Summit, Inc. (House, No. 3896);

Authorizing the town of Norwood to grant an additional liquor license (House, No. 3897); and

Authorizing the town of Webster to grant additional liquor licenses (House, No. 3898);

Severally were read a second time; and they were ordered to a third reading.

Second reading bills.

Recess.

At seven minutes after eleven o'clock A.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at eleven minutes after one o'clock, the House was called to order with Ms. Hogan of Stow in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 160 members were recorded as being in attendance.

Quorum,— yea and nay No. 51.

[See [Yea and Nay No. 51](#) in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Mr. Michlewitz of Boston, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 3814) returning with his disapproval of section 5 of the engrossed Bill financing the reconstruction of the Soldiers' Home in Holyoke (see House, No. 3770), reported that said section 5 stand (as passed by the General Court), as follows:

Holyoke Soldiers' Home.

“SECTION 5. (a) The funds authorized by item 4000-2026 of section 2 for the construction of a new facility for the Soldiers' Home in Holyoke that is sufficiently extensive in size, complexity and duration to replace the existing Soldiers' Home facility shall be expended in accordance with the following conditions:

(i) sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to all contracts for the project; and

(ii) all construction employees employed in the construction of the project shall be paid not less than the wage rate established for the work pursuant to a project labor

agreement with the appropriate labor organization that shall include: (A) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (B) mutually agreeable uniform work rules and schedules for the project; (C) an obligation for any labor organization and its constituent members not to strike with respect to work on the project; (D) participation goals of minority, veteran and women workers to be employed on each contract and the processes and procedures to ensure compliance with those workforce participation goals, including, but not limited to, a requirement to employ a sufficient number of apprentices to allow for the training and employment of individuals who would not otherwise qualify for employment on the project, the establishment of an access, inclusion and diversity committee and the reporting and enforcement requirements of paragraph (G) of subsection 2 of section 44A of said chapter 149; and (E) an agreement to facilitate the entry of interested veterans into the building and construction trades by designating an entity or organization to serve as a resource for preliminary orientation, apprenticeship programs and other needs, as mutually agreeable, to foster veteran employment opportunities.

(b) The access, inclusion and diversity committee shall meet publicly not less than monthly to implement and monitor diversity, inclusion workforce and enterprise goals. The committee shall receive regular reports from the project owner and all contractors and subcontractors regarding work hours, diversity, inclusion and progress toward the participation goals for minority, women and veteran workers employed as set forth in the agreement. The committee shall review reports describing: (i) the number of contracts; (ii) total dollar amounts contracted with and actually paid to minority business enterprises, veteran business enterprises and women business enterprises, as those terms are defined in section 58 of chapter 7 of the General Laws, for design and construction of the Soldiers' Home in Holyoke; (iii) the total number and value of all subcontracts awarded to minority business enterprises, veteran business enterprises and women business enterprises; and (iv) a comparison of these reports with the goals established by the division of capital asset management and maintenance, in consultation with the committee. The committee shall regularly assess progress and identify any obstacles to successfully achieving inclusion of socially and economically disadvantaged workers and businesses in the design and construction opportunities associated with this project and shall make related recommendations to the division on how to overcome such obstacles and increase the level of minority, women, and veteran workers employed on the project and minority business enterprise, veteran business enterprise and women business enterprise participation as contractors and subcontractors for the project. The committee may participate in public forums and other educational or outreach activities designed to inform the general public about the project as determined by the division. The committee shall consist of: 1 member appointed by the governor, who shall serve as chair; the deputy chief of the office of access and opportunity or a designee; the executive director of the supplier diversity office or a designee; the secretary of veterans' services or a designee; the secretary of labor and workforce development or a designee; and 14 members appointed by the commissioner of the division of capital asset management and maintenance, 2 of whom shall be representatives of the city of Holyoke as recommended by the mayor of the city of Holyoke, 2 of whom shall be representatives of the union trades working on the project as recommended by the Massachusetts Building Trades Council, 2 of whom shall be representatives of contractors as recommended by an established trade organization in the commonwealth, 2 of whom shall be representatives of minority business enterprises and women business enterprises with a demonstrated track record

of advancing diversity, equity and inclusion, 2 of whom shall be representatives of an advocacy organization focused on diversity and equity with a demonstrated track record of advancing diversity, equity and inclusion, 2 of whom shall be representatives of organizations that promote the advancement and equity of women as recommended by the Massachusetts commission on the status of women and 2 of whom shall be representatives of organizations that promote the wellbeing of veterans as recommended by the Disabled American Veterans of Massachusetts. Notwithstanding any requirement that certain committee members shall not be named until contracts for the project are signed, the committee shall hold its first meeting not later than 90 days after the passage of this act and shall continue to meet as a full committee until such time as said members are appointed. The division of capital asset management and maintenance shall provide administrative support to the committee as appropriate.

(c) The division of capital asset management and maintenance, in consultation with the executive office of labor and workforce development, shall conduct pre-apprentice recruitment and other pipeline programming, with a goal of reaching underserved communities, to facilitate compliance with goals for minority and women workers and to promote veteran employment on the project. The division may contract with entities or organizations to facilitate such recruitment and pipeline programming.

(d) The division of capital asset management and maintenance, in consultation with the access, inclusion and diversity committee, shall set participation goals for minority business enterprises, veteran business enterprises and women business enterprises, as those terms are defined in section 58 of chapter 7 of the General Laws, contracting on the project. The division, in consultation with the access, inclusion and diversity committee and the Massachusetts Growth Capital Corporation, shall: (i) conduct outreach and recruitment, prior to the issuance of invitations for bids and requests for proposals of bids, to facilitate the certification and participation of minority business enterprises, veteran business enterprises and women business enterprises based in the commonwealth; (ii) make available technical assistance grants to be used by socially and economically disadvantaged businesses, which may include, but shall not be limited to, minority business enterprises, veteran business enterprises and women business enterprises to facilitate participation in the bid process; (iii) consider programs and incentives for contractors that meet or exceed goals, including, but not limited to, a 'quick-pay' program to expedite payment and working capital and offerings from the Massachusetts Growth Capital Corporation. Prior to issuing invitations for bids and requests for proposals and again after bids are awarded, the division shall file a comprehensive report that outlines the steps taken by the division to recruit and certify minority business enterprises, veteran business enterprises and women business enterprises and the progress in meeting contractor and business enterprise goals with the clerks of the house of representatives and senate and with the access, inclusion and diversity committee.

(e) There shall be no precondition to the award of a contract that a bidder has previously entered into a collective bargaining agreement with a labor organization; provided, however, that the bidder shall be willing to execute and comply with the project labor agreement for the project if it is awarded a contract for the designated project.

(f) Any bidder that has a demonstrated record of failure to achieve a workforce or subcontracting diversity goal on a project for the commonwealth shall not be a suitable bidder to receive an award of a contract on the project described in this act.”.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Honan of Boston, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Michlewitz of Boston, the question on passing said section, notwithstanding the said objections was considered forthwith.

After remarks on the question on passing said section, notwithstanding the said objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 30 in the negative.

[See [Yea and Nay No. 52](#) in Supplement.]

Therefore section 5 was passed, notwithstanding the objections of the Governor (more than two-thirds of members present and voting having voted in the affirmative). Sent to the Senate for its action.

Project labor agreements section 5 stands,—
yea and nay
No. 52.

Recess.

At six minutes before two o'clock P.M., on motion of Ms. Cronin of Easton (Ms. Hogan of Stow being in the Chair), the House recessed subject to the call of the Chair; and at twelve minutes after two o'clock, the House was called to order with Ms. Hogan in the Chair.

Recess.

Orders.

An Order (filed by Representatives Mariano of Quincy and Williams of Springfield) relative to an investigation and study of diversity and inclusion in the construction industry (House, No. 3924), was referred, under Joint Rule 29, to the committees on Rules of two branches, acting concurrently.

Mr. Galvin of Canton, for said committees, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Williams, the order was considered forthwith; and after remarks it was adopted. Sent to the Senate for concurrence.

Racial Equity, Civil Rights, and Inclusion committee,—
study.

On motion of Mr. Mariano of Quincy,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next sitting.

At twelve minutes after two o'clock P.M., on motion of Mr. Hill of Ipswich (Ms. Hogan of Stow) being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.